

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIANNE STONE,)	
)	
Plaintiff,)	No. C08-3654 CW (BZ)
)	
v.)	ORDER SCHEDULING DEFAULT
)	JUDGMENT HEARING
CORRAL & ASSOCIATES, INC.,)	
)	
)	
Defendant.)	
_____)	

It is **HEREBY ORDERED** that a hearing on plaintiff's application for default judgment is scheduled for **Wednesday, February 18, 2009 at 10:00 a.m.** in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

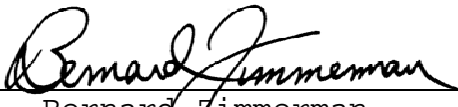
Claims for attorneys' fees should be supported by billing records. Compliance with 50 App. U.S.C. § 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U.S.C. § 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn. 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50 App. U.S.C. § 521(b)(1)). The public website <https://www.dmdc.osd.mil/scra/owa/home> will provide the

1 current active military status of an individual and has
2 instructions on obtaining certificates of service or non-
3 service under the Servicemembers' Civil Relief Act.

4 Plaintiff bears the burden of proving the level of
5 statutory damages she seeks by competent testimony or other
6 admissible evidence. See e.g. Mirage Studios v. Yong, 1994 WL
7 184613 at *2 (N.D. Cal.) If plaintiff intends to prove
8 damages by affidavits or declarations, the affiant or
9 declarant should have personal knowledge of all matters to
10 which she testifies. For all evidence, proper foundations
11 must be established. For an explanation of the evidentiary
12 requirements for proving damages in a default case, the
13 parties are encouraged to consult Chapter Six of Civil
14 Procedure Before Trial by William W. Schwarzer, A. Wallace
15 Tashima, and James M. Wagstaffe.

16 Defendant should attend the hearing if it contests the
17 validity or amount of plaintiff's claim. Seven days before
18 the hearing, on **Wednesday, February 11, 2009**, plaintiff shall
19 file a declaration setting forth in detail all steps taken to
20 serve defendant with notice of this hearing.

21 Dated: January 6, 2009

22 
23 Bernard Zimmerman
United States Magistrate Judge

24
25 G:\BZALL\REFS\STONE V. CORRAL & ASSOCIATES\ORDER SCHEDULING DEFAULT JUDGMENT
HEARING.wpd
26
27
28